

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Brian Wurzel

Plaintiff

v.

Whirlpool Corporation

Defendant

* Case No. 3:09CV498

* Chief Judge James G. Carr

* **MOTION TO STAY TAXING OF
COSTS PENDING APPEAL**

*

Francis J. Landry
* (0006072)

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* Attorney for Plaintiff
Brian Wurzel

Now comes Plaintiff, by and through undersigned counsel, and respectfully moves this Court to stay the taxing of costs pursuant to the bill of costs filed by Defendant on May 13, 2010 pending disposition of the appeal taken by Plaintiff to the United States Court of Appeals for the Sixth Circuit. The reasons in support of this Motion appear in the memorandum below.

Respectfully submitted,

WASSERMAN, BRYAN, LANDRY & HONOLD, LLP

s/Francis J. Landry

Francis J. Landry, Attorney for Plaintiff

MEMORANDUM

On May 13, 2010, Defendant filed a bill of costs with supporting data seeking to tax costs in the sum of \$6,020.90 against Plaintiff. Later that day on May 13, 2010, Plaintiff filed

his notice of appeal of this Court's disposition of the case to the United States Court of Appeals for the Sixth Circuit. Plaintiff seeks a stay of any action taxing costs pending disposition of the appeal. If the summary judgment is reversed in the Court of Appeals, the issue of costs will then be vacated. In the interim, Plaintiff would be subjected to the hardship of having to pay the costs pending the appeal. It is submitted that a stay or suspension of costs would be in the best interests of both parties and the issue can be dealt with upon final disposition of the case.

Respectfully submitted,

WASSERMAN, BRYAN, LANDRY & HONOLD, LLP

s/Francis J. Landry

Francis J. Landry, Attorney for Plaintiff

NOTICE OF SERVICE

This is to certify that the foregoing MOTION TO STAY TAXING OF COSTS PENDING APPEAL was filed electronically on May 14, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Francis J. Landry

Francis J. Landry